

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MERCHANTS AND BUSINESS MEN'S MUTUAL
INS. CO.,

Plaintiff,

-against-

03-cv-4368 (KMW)

ORDER

UBALDINA HERNANDEZ, et al.,

Defendants.

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Wood, U.S.D.J.:

This action was commenced on June 16, 2003. Plaintiff has advised the Court on February 2, 2005 that copies of the summons and complaint were personally served on Defendants Ubaldina Hernandez; Norman Y. Schoenberg, M.D.; Progressive Medical Imaging, P.C.; GS Surgical & Medical Supplies, Inc.; Juan Yamin, M.D.; Sharp Medical Diagnostic, P.C.; Acupuncture & Massage Therapy, LLC; MBK Psychological Services, P.C.; Ocean Transportation, Inc.; REM Transportation; Raritan Bay Medical Center; Larry Newman, M.D.; Myrtle Avenue Chiropractic, P.C.; Med-Tek Medical Supply; Metro Medical, P.C.; Inna Yakubov Fatir, DDS; Elite Acupuncture, P.C.; Richard DeJesus; Ronald Bagner, M.D.; Major Medical Supplies; J&M Dispatching of New York, Inc.; Heights Medical Care, P.C.; Garden State Surgical Associates; Urgent Medical Care, P.C.; XL South Bronx Medical, P.C.; Feldmar & Associates; Multi Health Corp.; Tri-State MRI, P.C.; Emergency

Physicians at Raritan Bay, Inc.; Thomas Tesi; Edel Surgical Medical Supplies, Inc.; University Radiology Group, P.C.; Town Medical Diagnostic, P.C.; Juan Delacruz; Thomas Maher, M.D.; Downtown Anesthesia; DJ Chiropractic P.C.; Americana Transportation; and Ridge Medical Orthopedic & Prosthetic Service.

The Clerk of Court has noted that the above-referenced Defendants are in default because they have not answered the Complaint.

The Court has reviewed the affidavit of counsel submitted in support of the entry of default judgment against the above-referenced Defendants, and the exhibits thereto, all of which support the grant of a default judgment. Default judgments are therefore entered against Defendants Ubaldina Hernandez; Norman Y. Schoenberg, M.D.; Progressive Medical Imaging, P.C.; GS Surgical & Medical Supplies, Inc.; Juan Yamin, M.D.; Sharp Medical Diagnostic, P.C.; Acupuncture & Massage Therapy, LLC; MBK Psychological Services, P.C.; Ocean Transportation, Inc.; REM Transportation; Raritan Bay Medical Center; Larry Newman, M.D.; Myrtle Avenue Chiropractic, P.C.; Med-Tek Medical Supply; Metro Medical, P.C.; Inna Yakubov Fatir, DDS; Elite Acupuncture, P.C.; Richard DeJesus; Ronald Bagner, M.D.; Major Medical Supplies; J&M Dispatching of New York, Inc.; Heights Medical Care, P.C.; Garden State Surgical Associates; Urgent Medical Care, P.C.; XL South Bronx Medical, P.C.; Feldmar & Associates; Multi Health Corp.;

Tri-State MRI, P.C.; Emergency Physicians at Raritan Bay, Inc.; Thomas Tesi; Edel Surgical Medical Supplies, Inc.; University Radiology Group, P.C.; Town Medical Diagnostic, P.C.; Juan Delacruz; Thomas Maher, M.D.; Downtown Anesthesia; DJ Chiropractic P.C.; Americana Transportation; and Ridge Medical Orthopedic & Prosthetic Service.

The Court makes no findings concerning the validity of Defendant Hernandez's insurance policy with Plaintiff, as to which there has been no briefing. Determination of the validity of Defendant Hernandez's insurance policy would require the Court to make findings of fact that the Court deems to be unnecessary and improper to this entry of default judgment. See Fed. R. Civ. P. 55(b)(2).

The Clerk of the Court is directed to close this case. Any pending motions are moot.

SO ORDERED.

Dated: New York, New York
June 28, 2005

Kimba M. Wood
Kimba M. Wood
United States District Judge

Copies of this Order have been mailed to counsel for the parties.